

---

By: **Delegates Boschert, Cadden, V. Clagett, Conroy, Costa, Cryor, Frush,  
Gaines, Healey, Hutchins, Leopold, Love, Moe, Rudolph, Rzepkowski,  
Sophocleus, Sossi, and F. Turner**

Introduced and read first time: February 3, 2003

Assigned to: Environmental Matters

---

A BILL ENTITLED

1 AN ACT concerning

2 **Dogs - Licensing, Procedures, and Penalties - Debarking or Silencing**

3 FOR the purpose of prohibiting a dog license from being issued unless the owner of  
4 the dog states on the application certain identifying information relating to the  
5 owner and the dog; requiring the clerk to follow certain procedures for a dog  
6 license and preserve certain registration information for a certain period of time;  
7 prohibiting a person from providing certain false information on a dog license  
8 application; authorizing the State Board of Veterinary Medical Examiners to  
9 discipline certain veterinarians for failure to prepare and file certain written  
10 statements with the Department of Health and Mental Hygiene; prohibiting  
11 certain persons from surgically debarking or silencing a dog, or causing the  
12 surgical debarking or silencing of a dog, for reasons other than to protect the life  
13 or health of the dog; requiring a certain owner of a dog before selling or donating  
14 the dog to disclose that the dog has been surgically debarked or silenced;  
15 establishing certain penalties; and generally relating to surgically debarking or  
16 silencing dogs, dog licensing procedures, and penalties.

17 BY repealing and reenacting, with amendments,  
18 Article 24 - Political Subdivisions - Miscellaneous Provisions  
19 Section 11-501 and 11-509  
20 Annotated Code of Maryland  
21 (2001 Replacement Volume and 2002 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article - Agriculture  
24 Section 2-310  
25 Annotated Code of Maryland  
26 (1999 Replacement Volume and 2002 Supplement)

27 BY adding to  
28 Article - Criminal Law  
29 Section 10-623

1 Annotated Code of Maryland  
2 (2002 Volume)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article 24 - Political Subdivisions - Miscellaneous Provisions**

6 11-501.

7 (a) Except in Carroll County, Montgomery County, Howard County, and  
8 Washington County, on or before the first day of July of each year, the owner of any  
9 dog, six months old or over, shall apply either orally or in writing, to the county  
10 treasurer or to the tax collecting officer in said county for a license for each such dog  
11 owned or kept by him, and such application shall be accompanied by a fee of one  
12 dollar (\$1.00) for each male dog or each spayed female dog, and a fee of two dollars  
13 (\$2.00) for each unspayed female dog, and provided that kennel license shall be issued  
14 for ten dollars (\$10.00) to persons owning or keeping not in excess of twenty-five dogs  
15 and that a kennel license fee of twenty dollars (\$20.00) shall be issued to persons  
16 keeping more than twenty-five dogs. The said license or fee shall be the only license  
17 or tax required for the ownership or keeping of said dog or dogs. Such license shall be  
18 issued on a form prepared and supplied by the county commissioners. Such license  
19 shall be dated and numbered, and shall contain a description of the dog licensed.  
20 Except in Carroll County, Montgomery County, Howard County, and Washington  
21 County, all licenses shall be void upon the first day of July of the following year. The  
22 county commissioners shall also furnish, and the county treasurer, or tax collecting  
23 officer issuing the license, shall issue, with each license, a metal tag. Such tag shall be  
24 affixed to a substantial collar. The collar shall be furnished by the owner, and with the  
25 tag attached shall at all times be kept on the dog for which the license is issued,  
26 except when confined in the kennel or when hunting in charge of an attendant.

27 (b) In Calvert County the fees for dog licenses shall be determined by the  
28 County Commissioners. However, before establishing or altering any license fee, the  
29 Calvert County Commissioners shall advertise the proposed fee for 2 consecutive  
30 weeks in at least 2 newspapers of general circulation in Calvert County. All dog  
31 licenses will expire on June 30. Any license valid on July 1, 1973, shall remain valid  
32 through June 30, 1974.

33 (c) In Harford County all applications for licenses under the provisions of this  
34 section shall be made on or before the thirty-first day of December of each year and  
35 all licenses issued shall be void upon the thirty-first day of December of the following  
36 year. Any license issued under the provisions of this section as of July 1, 1950, shall be  
37 valid until December 31, 1951. The license fee for each unspayed female dog shall be  
38 three dollars (\$3.00).

39 (d) In Montgomery County:

40 (1) The fees for dogs shall be determined by the County Executive of the  
41 county; and

1           (2)     A dog license shall expire when a rabies vaccination certification  
2 issued under § 18-319(a)(3) of the Health - General Article expires.

3     (e)     In St. Mary's County the license fees for dogs, including the fee for any  
4 kennel license, shall be determined by the County Commissioners of the county and  
5 shall be payable on or before the thirtieth day of June of each year, and all such  
6 licenses issued shall be void upon the thirtieth day of June the following year. The  
7 County Commissioners of St. Mary's County are authorized and directed to appoint  
8 the necessary agents to collect said license fees from owners of dogs who have not paid  
9 the required license fees by the first day of August in each year, and there shall be  
10 added to the fee of such delinquent owner a penalty of one dollar (\$1.00) per license.  
11 Every dog warden appointed in St. Mary's County shall have all the powers of a  
12 constable or other peace officer.

13     (f)     In Talbot County the fee for a male dog or a spayed female shall be \$1.50  
14 and the fee for an unspayed female dog shall be \$3.00.

15     (g)     In Charles County the fee for dogs shall be determined by the County  
16 Commissioners of the county.

17     (h)     In Howard County:

18           (1)     The fee for dog and kennel licenses is determined by the County  
19 Executive with the approval of the County Council; and

20           (2)     A dog license shall expire as specified by county law.

21     (i)     Repealed.

22     (j)     In Worcester, Kent, and Caroline counties the fee for dog and kennel  
23 licenses shall be determined by the county commissioners.

24     (k)     In Frederick County, the license fees for dogs, including the fee for any  
25 kennel license, shall be determined by the County Commissioners of the county.

26     (l)     In Wicomico County:

27           (1)     The fees for dog and kennel licenses shall be determined by the  
28 County Council of Wicomico County; and

29           (2)     A dog license shall expire as specified by county law.

30     (m)     In Anne Arundel County, the fees for dog and kennel licenses shall be  
31 determined by the County Council of Anne Arundel County. A dog license shall expire  
32 when a rabies vaccination certificate issued under § 18-319(a)(3) of the Health -  
33 General Article expires.

34     (n)     In Garrett County, the license fee for dogs, including the fee for any kennel  
35 license, shall be determined by the County Commissioners of the county.

36     (o)     (1)     This subsection applies only to Carroll County.

1 (2) The Carroll County Commissioners shall set the fees, the term, and  
2 the form for dog licenses and kennel licenses pursuant to the authority under §  
3 11-511 of this subtitle.

4 (P) (1) A LOCAL DOG LICENSING OFFICIAL OF A COUNTY MAY NOT ISSUE A  
5 LICENSE TO THE OWNER OF A DOG UNLESS THE OWNER STATES ON THE  
6 APPLICATION:

7 (I) THE OWNER'S NAME AND MAILING OR HOME ADDRESS;

8 (II) WHETHER THE DOG HAS BEEN SURGICALLY DEBARKED OR  
9 SILENCED; AND

10 (III) THE BREED, SEX, AGE, COLOR, AND MARKINGS OF THE DOG.

11 (2) THE REGISTRATION NUMBER SHALL BE ISSUED IN THE ORDER OF  
12 THE APPLICATIONS.

13 (3) THE LOCAL DOG LICENSING OFFICIAL SHALL:

14 (I) PRESERVE THE INFORMATION ON THE APPLICATION AND THE  
15 REGISTRATION NUMBER ISSUED FOR THE DOG FOR A PERIOD OF 3 YEARS; AND

16 (II) FORWARD TO THE DEPARTMENT OF HEALTH AND MENTAL  
17 HYGIENE EACH MONTH AN ACCURATE ACCOUNT OF REGISTRATION NUMBERS  
18 ISSUED OR OTHERWISE DISPOSED OF.

19 (4) THE LOCAL DOG LICENSING OFFICIAL MAY PROVIDE TO A LAW  
20 ENFORCEMENT OFFICER UPON REQUEST THE NAME AND ADDRESS OF ANY PERSON  
21 WHO INDICATES ON A DOG LICENSE APPLICATION THAT THE PERSON POSSESSES A  
22 SURGICALLY DEBARKED OR SILENCED DOG.

23 (5) A PERSON MAY NOT KNOWINGLY AND WILLFULLY PROVIDE FALSE  
24 INFORMATION ON A DOG LICENSE APPLICATION AS TO WHETHER THE DOG HAS  
25 BEEN SURGICALLY DEBARKED OR SILENCED.

26 (6) A PERSON WHO VIOLATES PARAGRAPH (5) OF THIS SUBSECTION IS  
27 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT  
28 NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

29 11-509.

30 (a) Any person violating or refusing to comply with any of the provisions of  
31 this subtitle is guilty of a misdemeanor and shall be fined not less than \$5 nor more  
32 than \$25 or shall be imprisoned in the county jail for not more than 30 days, or shall  
33 be both fined and imprisoned. The State's Attorney and the sheriffs of the several  
34 counties shall prosecute all persons found violating the law by refusing to comply with  
35 its provisions.

36 (b) In Calvert County the fine is \$50 or 60 days.

1 (c) This subtitle does not apply to the City of Baltimore, the City of  
2 Cambridge, or the City of Crisfield.

3 (d) This section does not apply in Washington County.

4 (e) This section does not apply to a violation of § 11-501(P), § 11-512, § 11-513,  
5 or § 11-514 of this subtitle.

6 **Article - Agriculture**

7 2-310.

8 The Board may refuse, suspend, or revoke any application or license, and  
9 censure or place on probation any licensee after a hearing, if the veterinarian:

10 (1) Is adjudicated insane;

11 (2) Is convicted of a violation of any federal or State law relating to  
12 prescription drugs, a controlled dangerous substance under Title 5, Subtitle 4 of the  
13 Criminal Law Article, or a controlled substance as defined by 21 U.S.C. § 812;

14 (3) Is convicted of a felony, or of a crime involving moral turpitude;

15 (4) Is convicted of violating any provision of this subtitle, any unlawful or  
16 fraudulent practice, or any fraudulent, misleading, or deceptive representation or  
17 advertising concerning his professional qualifications or the quality of materials or  
18 drugs used by him in his professional work or in the treatment of animals;

19 (5) Has a final judgment entered against him in a civil malpractice case  
20 involving gross personal negligence;

21 (6) Obtains the license by fraud or misrepresentation, either in the  
22 application, or in passing the examination;

23 (7) Is guilty of employing or permitting to practice veterinary medicine  
24 any person who does not hold a license to practice veterinary medicine in the State;

25 (8) Fails to comply with Board rules or regulations after receiving a  
26 license;

27 (9) Is grossly negligent or deliberately cruel to an animal;

28 (10) After a hearing, is determined by four members to be incompetent as  
29 a veterinary practitioner; [or]

30 (11) Is disciplined by a licensing authority of another state, including the  
31 suspension or revocation of a license to practice veterinary medicine, for an act that  
32 would be grounds for disciplinary action under this section; OR

1 (12) FAILS TO PREPARE AND FILE A WRITTEN STATEMENT WITH THE  
2 DEPARTMENT OF HEALTH AND MENTAL HYGIENE, CENTER FOR VETERINARY PUBLIC  
3 HEALTH SETTING FORTH:

4 (I) THE VETERINARY BASIS FOR SURGICALLY DEBARKING OR  
5 SILENCING A DOG; AND

6 (II) THE NAME AND ADDRESS OF THE OWNER OR KEEPER OF THE  
7 DEBARKED OR SILENCED DOG.

8 **Article - Criminal Law**

9 10-623.

10 (A) THIS SECTION DOES NOT APPLY TO A LICENSED VETERINARIAN WHO:

11 (1) SURGICALLY DEBARKS OR SILENCES A DOG TO PROTECT THE LIFE  
12 OR HEALTH OF THE DOG; AND

13 (2) FILES A WRITTEN STATEMENT WITH THE DEPARTMENT OF HEALTH  
14 AND MENTAL HYGIENE SETTING FORTH:

15 (I) THE VETERINARY BASIS FOR SURGICALLY DEBARKING OR  
16 SILENCING A DOG; AND

17 (II) THE NAME AND ADDRESS OF THE OWNER OR KEEPER OF THE  
18 DEBARKED OR SILENCED DOG.

19 (B) (1) A PERSON MAY NOT SURGICALLY DEBARK OR SILENCE A DOG, OR  
20 CAUSE THE SURGICAL DEBARKING OR SILENCING OF A DOG, EXCEPT TO PROTECT  
21 THE LIFE OR HEALTH OF THE DOG AND IF IT IS FOUND TO BE NECESSARY BY A  
22 LICENSED VETERINARIAN.

23 (2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A FELONY  
24 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A  
25 FINE NOT EXCEEDING \$5,000 OR BOTH.

26 (C) (1) BEFORE SELLING OR DONATING A DOG THAT HAS BEEN SURGICALLY  
27 DEBARKED OR SILENCED, THE OWNER OR KEEPER OF THE DOG SHALL INFORM THE  
28 PROSPECTIVE OWNER THAT THE DOG HAS BEEN SURGICALLY DEBARKED OR  
29 SILENCED.

30 (2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A  
31 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT  
32 EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
34 effect October 1, 2003.